

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re:
DAVID A. RAMOS and
GUADALUPE N. RAMOS
Debtors.

Case No. 17-10022-J12

**APPLICATION FOR ALLOWANCE AND PAYMENT OF COMPENSATION
AND REIMBURSEMENT OF EXPENSES AND COSTS**

R. “Trey” Arvizu, III, attorney for David and Guadalupe Ramos, Debtors herein, submit this application for allowance and payment of attorney’s fees, costs and tax, pursuant to 11 U.S.C. §§330, 331 and 503, for the period from October 17, 2016 to March 23, 2018 (“Application Period”). In support of this application, Attorney states:

1. On or about October 17, 2016 Attorney was hired by the debtors to file a Chapter 12 bankruptcy case.
2. Attorney was paid a retainer of \$15,100.00 and Debtors agreed to pay Attorney hourly rates for all services rendered in connection with this case.
3. This is Attorney’s first fee application for compensation in this case.
4. Attorney provided necessary and important services to the debtors in representing them in their Chapter 12 bankruptcy
5. Attorney assisted them in filing their Schedules, Statements of Financial Affairs and a Plan of Reorganization. Attorney further assisted with the following: Consulting regarding bankruptcy and non-bankruptcy options, prepared clients for their attendance at §341 meeting of creditors, prepared Order Confirming Plan, negotiated with Chapter 12 Trustee and creditors toward confirmation of their Chapter 12 Plan and representing them in their Final Hearings on Confirmation.

6. The requested attorney's fees, costs, and taxes for the Application Period are summarized as follows:

a.	Application Period:	October 17, 2016 to March 23, 2018	
b.	Legal services:	\$34,905.00	
c.	Costs:	903.75	
e.	Tax	\$2,976.60	
	Total:	\$38,785.35	
	Less payments from or on behalf of debtor		\$15,100.00
	Less payments from the Chapter 12 Trustee		\$ 0.00
	OUTSTANDING BALANCE:		\$23,685.35

7. Attorneys billing rate for professional services were \$225.00 per hour for attorney services and \$90.00 per hour for paralegal services.

8. Pursuant to 11 U.S.C. §331, Attorney has not applied for compensation in the preceding 120 days.

9. Attorney has not shared compensation in this case with any other person, directly or indirectly, in any form except with members of Attorney's law firm. No agreement or understanding exists between Attorney and other persons for the sharing of any compensation received for services rendered in connection with this case.

10. Attorney respectfully states that these fees were incurred in relation to the case and should be deemed to be priority administrative expenses and should not be discharged in bankruptcy.

11. Attached as Exhibit A are detailed statements for all requested payments.

WHEREFORE, Attorney respectfully requests that the Court allow, as administrative expense of the estate, the total amount of \$38,785.35 for the Application Period, less payments totaling \$15,100.00 received from or on behalf of the debtors and/or from the Chapter 12 Trustee, leaving a total outstanding balance of \$23,685.35. Attorney further requests that the Court authorize the Chapter 12 Trustee to pay Attorney

the unpaid balance of the fees allowed herein in the amount of \$23,685.35, from funds of the estate if necessary.

Electronically filed
R. "Trey" Arvizu, III
Attorney for Debtors
PO Box 1479
Las Cruces, NM 88005
(575) 527-8600
FAX: (575) 527-1199

I CERTIFY that the foregoing was electronically filed with the Court via the CM/ECF system. All attorneys and parties identified with the Court for electronic service on the record in this case were served by electronic service in accordance with the CM/ECF system on this 26th day of March, 2018.

Electronically submitted
R. "Trey" Arvizu, III

Arvizu Law Office, P.C.

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David and Guadalupe Ramos
PO Box 612
Lordsburg, NM
88045

March 23, 2018

File #: 16-1203

Inv #: 5833

Attention:

RE: In re: David and Guadalupe Ramos; retained 9/8/16; 17-10022-j12 filed
1/6/17

DATE	DESCRIPTION	HOURS	AMOUNT	LAWYER
Oct-17-16	Work on file. Review documents and make entries into Bestcase to prepare petition, schedules and statements. Meet with clients to discuss	3.50	787.50	RTA
Nov-30-16	Meet with clients to discuss strategy, options and pre-bankruptcy planning	1.00	225.00	RTA
Jan-06-17	Work on file. Preparation of schedules and statements. Meeting with clients to discuss bankruptcy filing.	2.50	562.50	RTA
Jan-09-17	Prepare Notice of Deadline to file objection to application to employ. File with court.	0.40	90.00	RTA
Jan-11-17	Review and Calendar Notice of Meeting of Creditors and appointment of trustee. Notify clients	0.30	67.50	RTA
Jan-12-17	T/C with client to answer question regarding funds from electric company security deposit refund.	0.20	45.00	RTA
Jan-13-17	Review POC #1	0.20	45.00	RTA
Jan-18-17	Work on schedules and SOFA. Prepare for meeting with clients. Meet with clients to sign all documents	4.00	900.00	RTA

Jan-19-17	Review EOA filed by Sherman on behalf of FNMB	0.20	45.00	RTA
Jan-20-17	Finalize schedules and statements. File with Court	2.30	517.50	RTA
	Prepare amended Motion to Employ	0.50	112.50	RTA
	Review POC #2	0.20	45.00	RTA
Jan-24-17	Review email from attorney for Discover Card regarding allegations of non-dischargeable debt.	0.20	45.00	RTA
Jan-27-17	Review file. Review and respond to email from Jakub Sherman regarding bank's actions regarding collection	0.50	112.50	RTA
	Review POC #3 and 4	0.40	90.00	RTA
Feb-02-17	Review POC #5	0.20	45.00	RTA
Feb-08-17	Meeting with client to review budget and status of case.	0.50	112.50	RTA
Feb-14-17	Review budget provided by client for March/April operations	0.50	112.50	RTA
Feb-16-17	Review POC #6, 7	0.40	90.00	RTA
Feb-17-17	Draft Motion to Use Cash Collateral and all exhibits. Work on exhibit	3.00	675.00	RTA
Feb-20-17	Work on Motion to use cash collateral	2.50	562.50	RTA
Feb-22-17	Prepare for and attend 341 meeting	2.00	450.00	RTA
Feb-23-17	Revise and file Motion to Use Cash Collateral. Revisions include making it emergency motion and revisions to budget	2.50	562.50	RTA
Feb-27-17	Review Chapter 12 Trustee report filed with court regarding 341 meeting	0.20	45.00	RTA
	Work on file regarding cash collateral. Review email from bank, FSA and Dept of workforce solutions counsel regarding questions about	1.50	337.50	RTA

	proposed motion and order. Telephone calls with opposing counsel regarding same			
Feb-28-17	Prepare for and attend hearing on Motion for Emergency use of cash collateral	5.50	1,237.50	RTA
	Meeting with Melissa Gorham (realtor) regarding sale of 34 farm	1.00	225.00	RTA
Mar-01-17	Review minutes from hearing. Prepare changes requested by Judge Jacobvitz in Order approving use of cash collateral. Circulate to all counsel of record.	1.50	337.50	RTA
Mar-06-17	Work with clients regarding opening DIP account. Telephone conversation with Wells Fargo bank and clients regarding information needed to open account	0.50	112.50	RTA
Mar-07-17	Review scheduling order. Calendar deadlines. Forward to client	0.30	67.50	RTA
	Review POC # 8, 9	0.30	67.50	RTA
Mar-08-17	Review email from counsel for Discover card regarding non-dischargeability matter	0.20	45.00	RTA
	prepared/transcribed Ramos narrative from handwritten notes, input 2017 projected expenses, made equipment inventory list from unreadable copy	4.50	450.00	RTA
Mar-10-17	Review email from client regarding budget and narrative changes.	0.20	45.00	RTA
Mar-13-17	Review email from client regarding changes to budget and narrative. Finalize and file with court	0.80	180.00	RTA
Mar-17-17	Prepare and file Witness and Exhibit Lists as required by the court	0.80	180.00	RTA
Mar-21-17	Review objection filed by FSA. Review and respond to email from Lucero regarding contract with Las Uvas. Prepare and file Motion to Strike and Motion to Vacate hearing	1.00	225.00	RTA
Mar-22-17	Prepare for and attend hearing on Motion to Strike and Motion to Vacate. Review Objection to Motion to Strike	1.00	225.00	RTA

	Review POC #10	0.20	45.00	RTA
Mar-27-17	Finalize and file Motions to Employ Realtor, Realtor's disclosure statement and notice of deadline to object. Finalize and file Second Motion to Use Cash Collateral and notice of deadline to object. Finalize and file Motion to Employ CPA, CPA's disclosure statement and notice of deadline to object.	4.50	1,012.50	RTA
Apr-07-17	Work on Plan or Reorganization and exhibits	8.00	1,800.00	RTA
	Review POC #11	0.20	45.00	RTA
Apr-09-17	Prepare Motion to Shorten Deadline to Object. File with Court. Prepare Notice of deadline to object. Prepare Order granting motion to shorten deadline to object.	1.10	247.50	RTA
Apr-11-17	Prepare withdrawal of motion to shorten deadline to object. Finalize notice of deadline to object. Prepare and mail to creditors	0.80	180.00	RTA
Apr-12-17	Review and respond to email from Jakub Sherman regarding insurance coverage/cancellation. Telephone call to client to discuss	0.30	67.50	RTA
Apr-17-17	Meet with client to review updated information	0.50	112.50	RTA
Apr-18-17	Review email from Sherman and Lucero regarding concurrence on vacating and continuing hearing. Prepare and finalize and submit order to court	0.80	180.00	RTA
Apr-19-17	Prepare and file notice of deadline to file objection to Chapter 12 plan and Certificate of Mailing	0.60	135.00	RTA
Apr-27-17	Review and respond to email from Manny regarding conflict with hearing date	0.20	45.00	RTA
Apr-28-17	Work on trying to vacate and continue hearing. Call to court and email to all counsel and trustee	0.50	112.50	RTA
	Review Objections to Confirmation filed by FSA and FNMB	1.00	225.00	RTA

May-03-17	Work on scheduling of final hearing on confirmation and use of cash collateral. Telephone call to court. Email to opposing counsel. Telephone call to client	0.50	112.50	RTA
May-04-17	Review objection to confirmation	0.40	90.00	RTA
May-05-17	Prepare order vacating and continuing hearing on confirmation. Prepare and send for approval order approving use of cash collateral	0.90	202.50	RTA
	Review Objection to Confirmation of plan filed by AGCO	0.40	90.00	RTA
May-08-17	Review email from Lucero approving cash collateral order	0.20	45.00	RTA
May-09-17	Email to Jakub Sherman and review response regarding approval of cash collateral order. Finalize stipulated orders vacating hearing and granting use of cash collateral for May. Telephone call to court to verify receipt and change of hearing date.	0.40	90.00	RTA
May-30-17	Work on file. Preparation for final hearing on June 5	0.70	157.50	RTA
May-31-17	Correspondence with Las Uvas dairy regarding Ramos contract to sell alfalfa. Telephone calls regarding payments to Ramos	1.00	225.00	RTA
Jun-02-17	Meeting with realtor to prepare for Monday's final hearing. Review information regarding listing.	1.00	225.00	RTA
	Work on exhibits. Prepare exhibits and email to contact in ABQ to print and prepare exhibit books for all parties	3.00	675.00	RTA
	Review MOR's for Jan, Feb, Mar	0.90	202.50	RTA
	Meeting with clients to prepare for June 5, 2017 final hearing on confirmation	2.00	450.00	RTA
Jun-04-17	Meet with clients to prepare for June 5, 2017 final hearing.	2.00	450.00	RTA
Jun-05-17	Prepare for and attend final hearing regarding confirmation of plan of reorganization	5.20	1,170.00	RTA

	Email correspondence regarding availability for mediation conference	0.30	67.50	RTA
Jun-06-17	Review Order authorizing use of cash collateral	0.30	67.50	RTA
Jun-12-17	Review Court order setting forth additional information needed for confirmation. Meeting with clients to review same and to discuss schedule and dates for next two weeks. Email to/from Melissa Gorham regarding market analysis.	1.50	337.50	RTA
Jun-13-17	Work on file. Work on modification to plan and supporting documents	2.00	450.00	RTA
Jun-19-17	Prepare for and attend mediation in Chapter 12 confirmation case	1.50	337.50	RTA
Jun-21-17	Work on file and settlement. Meeting with Melissa Roybal regarding testimony. Meeting with clients to prepare for continuation of trial. Work on closing argument.	3.50	787.50	RTA
Jun-22-17	Prepare for and attend continued final hearing on confirmation.	7.30	1,642.50	RTA
	Review POC's ##5 and 6.	0.50	112.50	RTA
Jun-23-17	Review POC #13	0.30	67.50	RTA
Jun-28-17	Prepare for continuation of final hearing on confirmation	4.00	900.00	RTA
Jun-29-17	Prepare for and attend final hearing on confirmation. Prepare cross exam of bank witness and closing argument	5.20	1,170.00	RTA
	Email CPA for information on K-1 from Chile Connection	0.30	67.50	RTA
Jun-30-17	Attend oral ruling on Debtors' confirmation of their chapter 12 plan. Conference with Debtors after ruling.	1.50	337.50	RTA
Jul-07-17	Work on draft of Second Amended Chapter 12 Plan of reorganization.	4.00	900.00	RTA
Jul-10-17	Work on draft of Second Amended Chapter 12 Plan of reorganization.	4.50	1,012.50	RTA

Jul-13-17	Prepare and submit Order Approving employment of attorney	0.50	112.50	RTA
Jul-14-17	Meeting with clients to discuss requirements of confirmation order and plan	1.00	225.00	RTA
Jul-21-17	Review POC #14. Review withdrawal of claim. Review POC's ## 8, 9	0.30	67.50	RTA
Aug-05-17	Prepare fee application and notice and invoice	1.50	337.50	RTA
Aug-23-17	Review email from FSA regarding new notes to execute. Telephone call from Jakub Sherman regarding same.	0.50	112.50	RTA
Aug-25-17	Review note allonges from FNMB	0.30	67.50	RTA
Sep-05-17	Meeting with clients to discuss case status and execution of allonges and new notes with FSA.	0.60	135.00	RTA
	Email to Sherman regarding signature of allonges	0.20	45.00	RTA
Sep-12-17	Email to client regarding modification information. Review and respond to email from client regarding same	0.50	112.50	RTA
Sep-13-17	Prepare and file Modification to post confirmation plan of reorganization. Review documentation provided by clients and prepare exhibits to motion	2.50	562.50	RTA
Sep-18-17	Review email from Ramos regarding Las Uvas dairy filing for bk relief. Telephone call with Ramos to discuss	0.50	112.50	RTA
Oct-03-17	Review email from client regarding amounts owed by Las Uvas in order to prepare administrative claim	0.60	135.00	RTA
	t/c with Feferman regarding unsecured creditors committee	0.30	67.50	RTA
Oct-04-17	Prepare and file notice of EOA in Las Uvas dairy case. Review docket for deadlines	0.50	112.50	RTA
Oct-09-17	Review file. File Limited objection to Debtor's use of cash collateral	1.00	225.00	RTA
Oct-10-17	Meeting with clients to discuss case and situation with las Uvas dairy bk filing	1.00	225.00	RTA

	T/C with Dan Behles regarding administrative claim	0.40	90.00	RTA
Oct-12-17	Review Las Uvas Bk case filings – TC to Charlie Hughson and UST regarding cash collateral hearing	0.50	112.50	RTA
Oct-13-17	Review Las Uvas filings.	0.20	45.00	RTA
Nov-01-17	Prepare for and attend status conference	0.80	180.00	RTA
	Prepared Proof of Claim and Mtn for Admin Expense, prepared NOD Mtn for Admin Expense	2.00	390.00	RTA
Nov-07-17	Prepare motion for allowance of administrative expense and notice. Prepare proof of claim in Las Uvas case	2.00	450.00	RTA
Jan-11-18	Review and respond to email from trustee regarding payments to creditors per plan. Forward to client	0.50	112.50	RTA
Jan-16-18	T/C with Melissa regarding sale of 34 farm. T/C with David Ramos regarding same. T/C with Manny Lucero and Jakub Sherman regarding releasing liens to farms so sale can be closed. Review counter offer number 5.	1.20	270.00	RTA
Jan-25-18	Prepare and file Motion to Sell Free and Clear and NOD to object.	2.80	630.00	RTA
Jan-30-18	Review and file NOD to file objection to motion to sell	0.40	90.00	RTA
Feb-01-18	Review objection filed by FSA to Debtor's motion to sell	0.80	180.00	RTA
Feb-19-18	Prepare and file Motion to Sell Home Farm and Notice of Deadline to Object. Also prepare and file Motion to Shorten Deadline to object and Order Granting	3.50	787.50	RTA
Feb-20-18	Telephone call to court regarding order on motion to shorten objection deadline. Revise order to conform to motion at Judge's request. Prepare for mailout to parties in interest	0.70	157.50	RTA

	Prepare and forward Order Approving Motion to Sell "34 Farm." Forward to Manny for approval. Review email approval from Manny	1.80	405.00	RTA
Feb-21-18	Review and respond to email regarding request for legal description. T/C to client regarding status of case.	0.60	135.00	RTA
Feb-28-18	Finalize and submit Order granting Motion to Sell 34 Farm	1.50	337.50	RTA
Mar-06-18	Review objection filed by Chapter 12 Trustee. Prepare and submit Order on motion to approve home farm. Obtain approval from Chapter 12 Trustee	1.30	292.50	RTA
Mar-08-18	Review notice of hearing. Calendar date and time. Email request to appear telephonically. Contact client to notify	0.30	67.50	RTA
Mar-14-18	Review email from Manny Lucero regarding crop payment received.	0.20	45.00	RTA
	Review email from Melissa regarding status of sales	0.30	67.50	RTA
Mar-21-18	Prepare for and attend status conference regarding sale of farms. T/C to client to discuss court concerns. Prepare Order Authorizing Disbursements	2.20	495.00	RTA
Mar-23-18	Prepare invoice, fee application and notice of deadline to object	0.80	180.00	RTA
	Totals	157.90	\$34,905.00	
	Total Sales Tax on Fees		2,901.48	

DISBURSEMENTS

Jan-06-17	Photocopies for Motion to Employ	2.55
	Postage for Motion to Employ	7.91
	Filing Fee	310.00
Feb-23-17	Photocopies for NOD Debtors Emergency Motion for Use of Cash Collateral	5.10
	Postage for NOD Debtor's Emergency Motion for use of Cash Collateral	15.64
Mar-27-17	Photocopies for notice of deadline to object to 2nd motion, second motion use C.C., notice of D.L to object to employment of RLTR, motion	4.65

	to employ RLTR, RLTR disclosure statement.	
	motion to employ CPA, CPA disclosure statement	
	Postage for notice of deadline to object to 2nd motion, second motion use C.C., notice of D.L to object to employment of RLTR, motion to employ RLTR, RLTR disclosure statement.	58.26
	motion to employ CPA, CPA disclosure statement	
Apr-11-17	Photocopies for chapter 12 plan and notice of deadline for objecting	4.80
	Postage for chapter 12 plan and notice of deadline for objecting	21.44
Sep-13-17	Photocopies for NOD To Object and First MOD To Plan	4.50
	Postage for NOD To Object and First MOD To Plan	20.10
Jan-25-18	Filing Fee Motion to Sell Free and Clear	181.00
Jan-26-18	Photocopies for Mtn to Sell and NOD Mtn to Sell	4.65
	Postage for Mtn to Sell and NOD Mtn to Sell	49.91
Feb-19-18	Filing Fee Motion to Sell Home Farm	181.00
Feb-20-18	Photocopies for NOD- object to motion to sell, Motion to sell	4.65
	Postage for NOD- object to motion to sell, motion to sell	27.59
	Totals	<hr/> \$903.75
	Total Sales Tax on Disbursements	75.12
	Total Fee & Disbursements	<hr/> \$38,785.35
	Retainers Applied	15,100.00
	Balance Now Due	<hr/> \$23,685.35
TAX ID Number	None	
Total Sales Tax	\$2,976.60	
PAYMENT DETAILS		
Sep-01-16		100.00
Sep-08-16		15,000.00
	Total Payments	<hr/> \$15,100.00